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Attorneys for Defendants
FRANCISCO RENTERIA, CRISTIAN GONZALEZ,
SANTIAGO JURADO, KEVIN SMITH AND
ANTHONY AGUILAR

UNITED STATES DISTRICT COURT FOR THE
EASTERN DISTRICT OF CALIFORNIA

BENJAMIN KARL RAY BUNTON,

Plaintiff,

vs.

CITY OF MENDOTA POLICE DEPT.
CHIEF OF POLICE, OFC. WORKINTON,
OFC. RENTERIA, OFC. AMADOR,
CHRISTIAN GONZALEZ, OFC. BENITEZ

Defendants.

Case No.: 1:23-CV-211-JLT-SAB

**NOTICE OF MOTION AND MOTION
FOR AN ORDER GRANTING RELIEF
UNDER FEDERAL RULE OF CIVIL
PROCEDURE 37**

Date: October 7, 2025
Time: 9:00 a.m.
Courtroom: 4

**United States District Judge Jennifer L.
Thurston**

TO ALL PARTIES AND THEIR ATTORNEYS OF RECORD:

PLEASE TAKE NOTICE that at 9:00 a.m. on October 7, 2025, before the Honorable Judge Jennifer L. Thurston, Courtroom 4, located at 2500 Tulare Street Fresno, CA 93721, Defendants, Francisco Renteria, Cristian Gonzalez, Santiago Jurado, Kevin Smith and Anthony Aguilar will, and hereby do, move the Court, pursuant to the authority granted by Federal Rule of Civil Procedure 37, to issue an Order for the following:

- 1 1. Plaintiff shall file and serve a Notice of Change of Address with his current and accurate
- 2 mailing address, email address, and phone number within ten (10) days;
- 3 2. Plaintiff and Defendants shall meet and confer on a new deadline for fact discovery and
- 4 dispositive motions;
- 5 3. Plaintiff shall submit to a continued deposition no later than October 31, 2025;
- 6 4. An Order to Show Cause why this action should not be dismissed with prejudice shall be
- 7 issued if Plaintiff fails to comply with this Order.

8 This motion is made on the grounds that Plaintiff has repeatedly refused to comply with document
9 number 54 of the Court's docket "Discovery and Scheduling Order" and document number 60 of the
10 Court's docket "Order RE: Unopposed Motion to Modify Scheduling Order Deadlines." The relief herein
11 sought is based upon this Notice of Motion and Motion, the Memorandum of Points and Authorities and
12 Declarations of Graham Scott and Anesa Suweid filed herewith, and upon all records and pleadings on
13 file in this action.

14 **PLEASE TAKE FURTHER NOTICE** that pursuant to Honorable Judge Thurston's Standing
15 Order for Civil Cases, all documents filed before the undersigned in civil cases will be deemed submitted
16 upon the record and briefs pursuant to Local Rule 230(g) without further action by the court. This means
17 that the hearing date chosen by the moving party will not be placed on the court's calendar; it will serve
18 only to govern the opposition and reply filing deadlines pursuant to Local Rule 230(c).

19 Dated: August 29, 2025

SWINGLE, VAN EGMOND & HEITLINGER

20 A Professional Law Corporation

21
22 By /s/ Graham Scott
23 BRADLEY J. SWINGLE
24 GRAHAM SCOTT
25 Attorneys for Defendants
26 Francisco Renteria, Cristian Gonzalez, Santiago Jurado,
27 Kevin Smith and Anthony Aguilar
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